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6 MARTIN AND VICTORIA ROLON

7  
8 UNITED STATES BANKRUPTCY COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 SACRAMENTO

11 In Re:

CASE NO. 10-47712  
CHAPTER 13

12 MARTIN ROLON and  
13 VICTORIA ROLON,

DCN-TOG-3

14 Debtors.

15 DATE: May 24, 2011

TIME: 2:00 p.m.

PLACE: U.S. Bankruptcy Court  
501 I St., 6<sup>th</sup> Fl., Rm. #33  
Sacramento, CA 95814

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19 **MOTION TO VALUE COLLATERAL-**  
20 **(NOTE AND SECOND MORTGAGE HELD BY WELLS FARGO BANK, N.A.)**

21 Debtors, Martin and Victoria Rolon, by and through Thomas O. Gillis, their  
22 attorney of record, move the Court to value the collateral securing Debtor's indebtedness  
23 to **WELLS FARGO BANK, N.A.**, to wit, **debtors' second deed of trust** on the real  
24 property located at **168 Central Street, Maxwell, CA**. This motion is based on the  
25 following:  
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1. The Debtor values the collateral at \$48,000 (see Declaration of Debtor  
2 filed herein).

3. 2. First Mortgage: CitiMortgage holds a note on said property secured by a  
4 valid Deed of Trust. The balance of the note is approximately \$108,500.  
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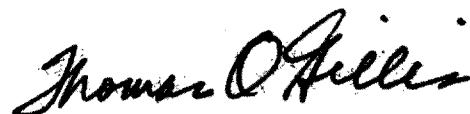
6. 3. Second Mortgage: Wells Fargo Bank, N.A. has recorded a Deed of Trust  
7 securing a note for approximately \$51,100. Said Deed of Trust was recorded after the  
8 Deed of Trust referred to supra.  
9

10. 4. The holder of the senior Deed of Trust referred to in #2 is owed an amount  
11 exceeding the value of the property by \$60,500, leaving no equity to secure the second  
12 Deed of Trust referred to in #3 supra.  
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14. Wherefore, debtors pray that the Court determine the debt of **WELLS FARGO**  
15 **BANK, N.A.** to be **wholly unsecured**, and classify the holder of that debt as a general  
16 unsecured creditor.  
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18. Based on the foregoing, Debtors respectfully request that this motion be granted.  
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20. Dated: April 21, 2011  
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22 THOMAS O. GILLIS  
23 ATTORNEY AT LAW  
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